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PTO/SB/21 (09-08)

Approved for use through 10/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/559,159
Filing Date	June 7, 2004
First Named Inventor	Peter Kaever
Art Unit	3643
Examiner Name	
Attorney Docket Number	10034.541

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB 08a (1p); PTO/SB 08b (1p) and 10 documents
Remarks THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES THAT MAY BE REQUIRED WITH RESPECT TO THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 50-2911.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

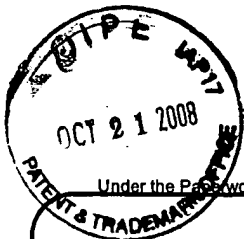
Firm Name	SMITH LAW OFFICE		
Signature			
Printed name	Jeffrey W. Smith		
Date	October 21, 2008	Reg. No.	33455

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/559,159

Filing Date June 7, 2004

First Named Inventor Peter Kaever

Art Unit 3643

Examiner Name

Attorney Docket Number 10034.541

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	PTO/SB 08a (1p); PTO/SB 08b (1p) and 10 documents
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES THAT MAY BE REQUIRED WITH RESPECT TO THIS COMMUNICATION, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 50-2911.	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SMITH LAW OFFICE		
Signature			
Printed name	Jeffrey W. Smith		
Date	October 21, 2008	Reg. No.	33455

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Signature			
Typed or printed name		Date	

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PATENT APPLICATION

In the United States Patent and Trademark Office

Applicant: Kaever et al.
Docket No.: 10034.541
Date: October 21, 2008
Application No.: 10/559,159
Int'l Filing Date: June 7, 2004
Art Unit: 3643
Examiner:
For: METHOD AND DEVICE FOR MILKING AN ANIMAL

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

On October 21, 2008

Signature

Jeffrey W. Smith, Reg. No. 33455

Name of Applicant, assignee or Registered Representative

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this Information Disclosure Statement be considered because it has been filed within the following time period:

37 C.F.R. §1.97(b)

- _____ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- _____ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- x Before the mailing of a first Office Action on the merits;
- _____ Before the mailing of a first Office Action after the filing of a request for continued examination under §1.114;

Applicant: Kaever et al.

Application No.: 10/559,159

37 C.F.R. §1.97(c)(d)

_____ Before the mailing of any of a final action under §1.113;

_____ Before a notice of allowance under §1.311;

_____ An action that otherwise closes prosecution in the application; or

_____ Filed on or before payment of the issue fee

And is accompanied by a:

Statement specified in §1.97(e):

_____ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

_____ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

_____ The fee set forth in §1.17(p).

Applicant: Kaeffer et al.

Application No.: 10/559,159

In accordance with 37 C.F.R. §1.56, Applicants call the attention of the Examiner to the following documents:

United States Patents

<u>U.S. Patent No.</u>	<u>Patentee</u>	<u>Issue/Publication Date</u>
5,775,254	Köster et al.	07-07-1998
5,970,910	Grimm et al.	10-26-1999
6,957,625	Hennig	10-25-2005

Foreign Patent Documents

<u>Patent No.</u>	<u>Patentee</u>	<u>Issue/Publication Date</u>
WO 02/05629 A1	Kaeffer	01-24-2002
WO 02/23975 A1	Hennig	03-28-2002
DE 43 35 699 C1	Köster et al.	11-17-1994
DE 692 18 409 T2	Lind et al.	07-10-1997
EP 0 568 590 B1	Lind et al.	03-19-1997

Other Documents

English language Abstract, Translated Description and Claims of WO 02/05629 A1, European Patent Office's esp@cenet.com database, 5pp.

German language search report received March 11, 2004, 3pp.

Please note that the "Translated Description and Claims" referenced above are downloaded from the European Patent Office's esp@cenet.com database, and are not translations obtained or certified by Applicants. The European Patent Office site indicates that the translations are made automatically by WorldLingo Translations.

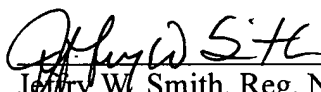
Copies of these documents are submitted herewith along with Form PTO/SB 08a and PTO/SB 08b.

Applicant: Kaever et al.

Application No.: 10/559,159

Applicants respectfully request that these documents be expressly considered during the prosecution of this application and made of record herein and appear among the "documents cited" on any patent to issue herefrom.

Respectfully submitted,


Jeffrey W. Smith, Reg. No. 33455
Attorney for Applicant
SMITH LAW OFFICE
8000 Excelsior Drive, Suite 301
Madison, WI 53717
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EXPRESS MAIL LETTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kaever, et al.
Int'l Filing Date: June 7, 2004
Application No.: 10/559,159
For: METHOD AND DEVICE FOR MILKING AN ANIMAL
Docket No.: 10034.541
Express Mail No.: EM263573425US
Date of Deposit: October 21, 2008

I hereby certify that these attached documents

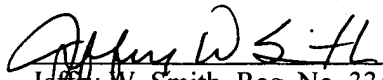
- Response postcard
- PTO/SB 21 (1p) and 1 copy
- Information Disclosure Statement (4pp); PTO/SB 08a (1p); PTO/SB 08b (1p) and 10 documents

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 35 C.F.R. §1.10 on the date indicated above and is addressed to the *Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.*


(Jeffrey W. Smith, Reg. No. 33455)

Enclosed for filing please find the above-referenced documents. Please indicate receipt of these documents by returning the attached postcard with the official Patent and Trademark Office receipt stamped thereon.

Respectfully submitted,


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